



11-30-04

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PTO/SB/21 (04-04)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/691,237
	Filing Date	October 22, 2003
	First Named Inventor	Sutardja, Sehat
	Art Unit	To Be Assigned
	Examiner Name	To Be Assigned
Total Number of Pages in This Submission	Attorney Docket Number	MP0320

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <div>Remarks The Commissioner is hereby authorized to charge any additional fees that may be required under 37 CFR 1.16 or 1.17 to Deposit Account No. 08-0750. A duplicate copy of this sheet is enclosed.</div>	<input type="checkbox"/> After Allowance Communication to Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copy of Decision of Petition; Petition for Correction of Filing Date Under 37 CFR 1.10(d); Exhibit A: Incorrect Express Mail Label; Exhibit B: Pickup Service Statement; Exhibit C: USPS Tracking Record; and Return Postcard.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm or Individual name	Harness, Dickey & Pierce, P.L.C.	Attorney Name Michael D. Wiggins	Reg. No. 34,754
Signature			
Date	November 29, 2004		

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Stephanie Stevens	Express Mail Label No.	EV 406 075 949 US (11/29/2004)
Signature		Date	November 29, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office,

EV 406 075 949 US



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/691,237
Filing Date: October 22, 2003
Applicant: Sutardja, Sehat
Group Art Unit: To Be Assigned
Examiner: To Be Assigned
Title: EFFICIENT TRANSISTOR STRUCTURE
Attorney Docket: MP0320

Mail Stop PETITIONS
Commissioner for Patents
Alexandria, VA 22313-1450

PETITION FOR CORRECTION OF FILING DATE UNDER 37 CFR 1.10(d)

Sir:

This petition was previously filed. The petition was denied because the Express Mailing documents referred to in the petition were allegedly not submitted. While Applicant did indeed submit the documents, Applicant is resubmitting this petition with the requested documents. Applicant is attaching hereto the following Exhibits:

Exhibit A: An Express Mail label incorrectly specifying a pickup date of October 23, 2003.

Exhibit B: The attached Pick Up Service Statement for "Express Mail, Priority Mail, or Parcel Post" from the USPS notes item no. 10, which

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corresponds to the Express Mail No. EL741090883US, was picked up on **October 22, 2003**.

Exhibit C: Applicants also attach a USPS tracking record noting acceptance of Express Mail label no. EL741090883US at 8:57 AM on October 23, 2003 in Alexandria, VA 22313.

Accordingly, Applicants respectfully submit the Commissioner to correct the filing date and issue a corrected filing receipt noting the filing date of **October 22, 2003**.

The patent application was deposited with the USPS using the "Express Mail Post Office to" service of the USPS on **October 22, 2003** (as supported by Exhibits B and C). Applicants submit that the "date-in" on the "Express Mail" mailing label was incorrectly entered by the USPS employee (in Exhibit A). Applicants further submit this petition is being filed promptly after recently becoming aware that the Office has accorded an incorrect filing date based upon the incorrect entry by the USPS. The number of the "Express Mail" mailing label was placed on the Utility Patent Application Transmittal prior to the original mailing by "Express Mail."

If further communication concerning this matter will expedite the petition,
Applicants representative, Michael D. Wiggins, may be reached at 248-641-1600.

Respectfully submitted

Dated: 11/29/04


Michael D. Wiggins, Reg. No. 34,754

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

Enclosures: Exhibit A: Incorrect Express Mail Label
Exhibit B: Pickup Service Statement
Exhibit C: USPS Tracking Record



POST OFFICE
TO ADDRESSEE



EL 741090883 US

ORIGIN (POSTAL USE ONLY)

PO/ZIP Code 48099	Day of Delivery Next <input checked="" type="checkbox"/> Second <input type="checkbox"/>	Flat Rate Envelope <input checked="" type="checkbox"/>
Date In 10/23/03	Time In 12:00 PM <input checked="" type="checkbox"/> 3 PM <input type="checkbox"/>	Postage \$ 1.365
Weight 8.1 lbs.	Int'l Alpha Country Code	Return Receipt Fee
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Acceptance Clerk Initials [Signature]	COD Fee Insurance Fee
METHOD OF PAYMENT: Express Mail Corporate Acct. No. X483944		Total Postage & Fees \$ 1.365

SEE REVERSE SIDE FOR
SERVICE GUARANTEE AND LIMITS
ON INSURANCE COVERAGE

<input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Only): Additional merchandise/insurance is void if waiver of signature is requested. If delivery is to be made without obtaining signature of addressee or addressee's agent, (if delivery employee judges that article can be left in secure location) and if authorized that delivery employee's signature constitutes valid proof of delivery.	
NO DELIVERY: <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday	Customer Signature

Customer Copy
Label 11-F August 2000

FROM: (PLEASE PRINT)

PHONE 248, 641 1600

HARNES DICKY & PIERCE
5445 CORPORATE DR STE 400
TROY MI 48098-2683

MP0320 (5059-000081)
MDW

TO: (PLEASE PRINT)

PHONE ()

Mail Stop Patent Application
Director of the US Patent and Trademark
Office
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Alexandria, VA 22313-1450

FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com



United States Postal Service

**Pickup Service Statement for
Express Mail, Priority Mail, or Parcel Post**

1. Attach Meter Strip or Stamps Here

2. Customer Name and Address (No., Street, Ste. No., City, and State)

Hawes, Nicky & Pierce, PLC
5445 Corporate Drive Ste 400
Jax MI 48098

3.

Express Mail

Quantity

Priority Mail

Quantity

Parcel Post

Quantity

4. Custom Design Agreement (CDA)

CDA Number

5. Method of Payment

☐ Corporate Account
No.

☐ Federal Agency Account
No.

☐ Meter Strip or Stamps
(Apply fee in item 1 above)

6. Express Mail Label Numbers

Item No.	Express-Mail Label Number	Item No.	Express-Mail Label Number	Item No.	Express-Mail Label Number
1	EL7410928194S	6	EL7410919294S	11	EL7410908354S
2	EL7410927964S	7	EL7410929414S	12	EL7410908704S
3	EL6234864234S	8	EL6233088734S	13	EL7411263174S
4	EL7101111254S	9	EL6233088874S	14	EL7901131974S
5	EV0920442914S	10	EL74109108834S	15	EL6233115464S
7. Customer Signature		8a. USPS Signature		8b. Date of Pickup	8c. Time of Pickup
				10-22-03	10:10pm

United States Postal Service

**Pickup Service Statement for
Express Mail, Priority Mail, or Parcel Post**

1. Attach Meter Strip or Stamps here

2. Customer Name and Address (No., Street, Ste. No., City, and State)

Harness, Ricky & Pierce, PLLC
5445 Corporate Drive, Ste 400
Joliet, MI 48078

3.

Express Mail

Quantity

Priority Mail

Quantity

Parcel Post

Quantity

4. Custom Design Agreement (CDA)

CDA Number

5. Method of Payment

☐ Corporate Account

☐ Federal Agency Account

☐ Meter, Strip, or Stamps

No.

No.

(Apply fee in Item 1 above)

6. Express Mail Label Numbers

Item No.	Express Mail Label Number	Item No.	Express Mail Label Number	Item No.	Express Mail Label Number
1	EL62331156345	6		11	
2	EL62331157745	7		12	
3	EL62331155045	8		13	
4		9		14	
5		10		15	

7. Customer Signature

8a. USPS Signature

8b. Date of Pickup

8c. Time of Pickup



**UNITED STATES
POSTAL SERVICE™**

Date: 08/09/2004

Fax Transmission To: STEPHANIE STEVENS
Fax Number: 248-641-0270

Dear STEPHANIE STEVENS:

The following is in response to your 08/09/2004 request for delivery information on your Express Mail item number EL741090883US. The delivery record shows that this item was delivered on 10/23/2003 at 08:57 AM in ALEXANDRIA, VA 22313 to J S. The scanned image of the recipient information is provided below.

Signature of Recipient:

Mary Boston
Mary Boston
P & T OFFICE

Address of Recipient:

P. O. BOX 1450
Alexandria, VA 22313

Thank you for selecting the Postal Service for your mailing needs. If you require additional assistance, please contact your local Post Office or postal representative.

Sincerely,

United States Postal Service

ORIGINAL FAX



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MARVELL SEMICONDUCTOR, INC.
INTELLECTUAL PROPERTY DEPARTMENT
700 FIRST AVENUE, MS# 509
SUNNYVALE, CA 94089

RECEIVED

NOV 09 2004

COPY MAILED

NOV 05 2004

OFFICE OF PETITIONS

In re Application of
Sutardja, Sehat
Application No. 10/691,237
Filed: October 23, 2003
Attorney Docket No. MP0320

MARVELL SEMICONDUCTOR, INC.

ON PETITION

This is a decision on the petition filed August 11, 2004, requesting that the above-identified application be accorded a filing date of October 22, 2003, rather than the presently accorded date of October 23, 2003. The petition is properly treated as a petition under 37 CFR 1.10(d).

The petition is **DISMISSED**.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. No further petition fee is required for the request. Extensions of time under 37 CFR 1.136(a) are NOT permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.10." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

37 CFR 1.10(d) states,

Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Commissioner to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

- (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;
- (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and
- (3) The petition includes a showing which establishes that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

DOCKETED

11/11/04 KAR 20 11/12/04

As to (3), petitioner has failed to include any evidence from the USPS that the correspondence was deposited in the "Express Mail Post Office to Addressee" service on October 22, 2003. Petitioner stated "a Pick Up Service Statement ... from the USPS notes item no. 10, which corresponds to the Express Mail No. EL741090883US, was picked up on October 22, 2003." A copy of the statement should be submitted to the Office with any request for reconsideration on the instant petition.

A petition under 37 CFR 1.10 does not require a petition fee and none has been charged.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop PETITIONS
 Commissioner for Patents
 Post Office Box 1450
 Alexandria, VA 22313-1450

By hand: Customer Window located at:

 U.S. Patent and Trademark Office
 220 20th Street S
 Customer Window, Mail Stop Petitions
 Crystal Plaza Two Lobby, Room 1B03
 Arlington, VA 22202

By fax: (703) 872-9306
 ATTN: Office of Petitions

Telephone inquiries concerning this matter may be directed Paralegal Liana Chase at (571) 272-3282.



Charles Steven Brantley
Petitions Attorney
Office of Petitions

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